

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

EDWARD ONTIVERAS, No. CIV S-04-1141-GEB-CMK-P
Petitioner.

vs. ORDER

DIRECTOR OF CORRECTIONS,
et al.,

Respondents.

Petitioner, a state prisoner proceeding pro se, brings this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254.

Given the complexity of the issues raised in this case, the court appointed the Federal Public Defender to represent petitioner and directed the parties to submit status reports within 60 days. The purpose of the status reports was to elicit from the parties their thoughts on proceeding with this case in light of the pendency of an appeal in Sass v. California Board of Prison Terms, 376 F. Supp. 2d 975 (E.D. Cal. 2005), in the Ninth Circuit Court of Appeals. Because the Ninth Circuit decided Sass on August 31, 2006, there is no longer a need for status reports. The parties will, therefore, be relieved of the obligation to submit status reports.

1 Instead, and because of the recent appointment of counsel to represent petitioner,
2 the court will provide petitioner, though appointed counsel, the opportunity to file a
3 supplemental memorandum of points and authorities addressing the merits of the claims raised in
4 the petition. Respondents will be given an opportunity to file a supplemental answer and
5 petitioner may file a supplemental traverse. Upon completion of supplemental briefing, or upon
6 the expiration of the time to file a supplemental memorandum of points and authorities in
7 support of the petition if none is filed, this case will stand submitted for a decision on the merits.

8 Accordingly, IT IS HEREBY ORDERED that:

9 1. The parties are relieved of the obligation to file status reports;
10 2. Within 30 days of the date of this order, petitioner, through appointed
11 counsel, may file a supplemental memorandum of points and authorities addressing the merits of
12 the claims raised in this petition;

13 3. Respondents may file a supplemental answer within 30 days from the
14 date of service of any supplemental memorandum of points and authorities in support of the
15 petition; and

16 4. Petitioner may file a supplemental traverse within 30 days of service of
17 respondents' supplemental answer.

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19 DATED: September 5, 2006.

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22 CRAIG M. KELLISON
23 UNITED STATES MAGISTRATE JUDGE
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